

## UNITED STATES DISTRICT COURT

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAIIfor the  
District of Hawaii

MAR 28 2019

at 9 o'clock and 48 min. A M  
SUE BEITIA, CLERK

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)BLACK HONDA VAN, LICENSE PLATE PJW 885,  
CURRENTLY LOCATED AT 91-1300 ENTERPRISE  
AVENUE, KAPOLEI, HAWAII 96707

Case No. Mag. No. 19-00297 RT

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A (incorporated by reference)

located in the \_\_\_\_\_ District of \_\_\_\_\_ Hawaii, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated by reference)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 2422(b)

Attempted enticement and coercion of a minor

The application is based on these facts:

See attached Affidavit of Special Agent Evelyn Ramo, Homeland Security Investigations, Honolulu, Hawaii.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: March 27, 2019

City and state: Honolulu, Hawaii

  
Applicant's signature

Evelyn Ramo, Special Agent, HSI

Printed name and title



Hon. Kevin S.C. Chang, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

IN THE MATTER OF THE SEARCH OF  
BLACK HONDA VAN, LICENSE PLATE  
PJW 885, CURRENTLY LOCATED AT 91-  
1300 ENTERPRISE AVENUE, KAPOLEI,  
HAWAII 96707

Mag. No. 19-00297 RT

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION UNDER RULE 41 FOR A  
WARRANT TO SEARCH AND SEIZE**

I, EVELYN RAMO, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—a black van—which is currently in law enforcement possession, and seizure of the items described in Attachment B.

2. I am a Special Agent with Homeland Security Investigations (“HSI”), presently assigned to the Honolulu Office, Cyber Group. I have been employed as a Special Agent with HSI since May 1998. I have investigated and assisted in criminal cases to include internet crimes against children, drug smuggling, human smuggling, human trafficking, fraud, illegal exports and other violations. I have received training in the investigation of the sharing of child pornography on peer-to-peer networks, chat groups, and chat rooms, including training provided by the Internet Crimes Against Children (“ICAC”) task-force for the investigation of individuals downloading and/or sharing child pornography.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I am familiar with the facts set forth in this affidavit based upon my personal knowledge and/or information provided to me by other law enforcement personnel and/or witnesses. Summaries and statements from conversations do not include references to all topics covered in the conversations. This affidavit is not intended to include each and every fact and matter observed or known to the government.

#### **IDENTIFICATION OF THE VEHICLE**

4. The property to be searched is a black Honda van, with license plate PJW 885, currently located at 91-1300 Enterprise Avenue, Kapolei, Hawaii 96707, hereinafter the "Vehicle." The Vehicle came into the custody of law enforcement on March 24, 2019, the same day that Neal BOTH-MAGNISI ("the Defendant") was arrested for attempted enticement and coercion of a minor, in violation of 18 U.S.C. § 2422(b).

5. The applied-for warrant would authorize a search of the Vehicle for the purpose of identifying items, records, and information particularly described in Attachment B.

**PROBABLE CAUSE**

6. On March 19, 2019, an undercover law enforcement officer (“the UC”) posted a profile on a social media and dating application (referred to herein as “the App”), which allows users to interact with other users with text messages and photos. The App also incorporates geolocation functionality, which allows its users to view other profiles that are close to them in proximity. Users can download the App to a mobile phone or digital device, and engage in messaging directly with other users.

7. The UC created a profile that displayed a photograph of a boy with a white hat, with the username “Rooster 94.” Generally, the number next to the username on a profile represents the user’s age, which is calculated by the date of birth a user inserts into his/her profile. In the biography section, which enables a user to insert an introductory sentence or phrase, the profile stated “Younger than you think.” In the “looking for” section of the profile, the UC stated, “Chat, Dates, Friends, Networking, Relationship, Right Now.” In my training and experience, the term “Right Now,” indicates that a user is interested in sexual encounters within a short timeframe.

8. That day, the profile received a message from another profile with the username, “ASAP,” and the profile photo showing only a sunset, with no person. In the days following, the following conversation then took place:

Defendant: Hey... So how old do I think you are? ... You have me curious. Message me if you log in today.

UC: You tell me

Defendant: 22? Or are you younger?

UC: Nope I’m way younger than that...I’m 13

Defendant: Damn lol ... Nice. What are you doing on here?

After further conversation, on March 21, 2019, the UC asked the Defendant for a photo of himself. The following conversation took place:

UC: Only if i can see you first

Defendant: Forgive me if I don't send a face picture to somebody who is 13 ... That's just like asking to go to jail

UC: Lol, is it?

Defendant: Basically

UC: How so?

Defendant: I might be a pedophile but I don't want everybody to know it ... And you do you kind of seem too good to be true ...

The Defendant later sent the following message: "If I were to come to you ... What would you want to do ... Cause I'm into young boys." Later, the Defendant wrote, "I'm not saying I would want to fuck you if you're not ready for it ... But I'm down to suck the fucking cum out of your cock."

9. Later in the conversation, the UC and the Defendant exchanged phone numbers and text messages. At one point in the conversation, the Defendant wrote, "You think you can handle this dick?" The UC responded, "psst..yes! got lube and condoms?" The Defendant responded, "Yup." Later, while discussing meeting up in person, the Defendant wrote, "How long is your dick ... I should buy you some condoms too."

10. The UC and the Defendant arranged a location to meet in person. In the course of arranging to meet in person, the UC and the Defendant also exchanged text messages regarding a variety of locations, including mention of Safeway, and Walmart, Chili's. After showing up at this location, within the District of Hawaii, on March 24, 2019, the Defendant requested

multiple additional photos of the UC, writing, "Listen I just need to be sure that you are who you say you are ... As soon as I am sure of that we can do anything you want to do ... I drove all the way out here to meet you." The Defendant wrote that he had gotten out of his truck to walk around, but wasn't able to locate the purported minor. He continued to request photos of the minor, writing, "You're just not the one that's risking jail." At approximately 5:48 PM, the Defendant wrote to the UC, "I'm the guy in the black van." Law enforcement identified a black van (the Vehicle) near the meet location. To determine whether the Defendant was in possession of the same phone used to text with the UC, law enforcement called the phone number associated with the text messages sent to the UC. A black iPhone near the Defendant's person instantly rang. Law enforcement arrested the Defendant without incident, and towed the Vehicle to a secure location. The Defendant declined to give consent for a search of the Vehicle. Therefore, law enforcement has not searched or accessed the contents of the Vehicle.

11. The Vehicle is currently in the lawful possession of federal law enforcement at 91-1300 Enterprise Avenue, Kapolei, Hawaii 96707. In my training and experience, I know that the Vehicle has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Vehicle first came into the possession of law enforcement on March 24, 2019.

### **CONCLUSION**

18. I submit that this affidavit supports probable cause for a search of the Vehicle described in Attachment A to seek the items described in Attachment B.

Respectfully submitted,



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EVELYN RAMO  
Special Agent  
HOMELAND SECURITY  
INVESTIGATIONS

Subscribed and sworn to before me  
on March 27, 2019:

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UNITED STATES MAGISTRATE JUDGE



**ATTACHMENT A**

The property to be searched is a black Honda van, with license plate PJW 885, currently located at 91-1300 Enterprise Avenue, Kapolei, Hawaii 96707, hereinafter the “Vehicle.”

This warrant authorizes a search examination of the Vehicle to seize the items described in Attachment B.



**ATTACHMENT B**

Law enforcement will seize any and all of the following items:

- a. Items relating to sexual activity, including condoms, lubricant, or sex toys;
- b. Any and all electronic devices or cellphones, the contents of which will not be searched without an additional search warrant;
- c. Any and all items or receipts relating to or purchased at grocery stores, convenience stores, restaurants, or any other commercial store between March 22, 2019 and March 24, 2019;
- d. Images, photos, or any other item that BOTH-MAGNISI used in the commission of the above-mentioned crime;
- e. Any records or information regarding BOTH-MAGNISI's schedule or travel from March 22, 2019, to March 24, 2019;
- f. Any and all records and location information, including geolocation data, metadata, and GPS devices or data, and any and all records regarding BOTH-MAGNISI's physical location on March 24, 2019.
- g. Documents and records showing who used or owned the Vehicle between March 22, 2019 and March 24, 2019.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored.